

UNITED STATES DISTRICT COURT

for the

2021 FEB 10 P 3: 13

USDC-EDPA

Cheri Honkala, Jennifer Bennetch, Poor People's
Economic Human Rights Campaign, et al. (see
attached)

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

U.S. Department of Housing & Urban Development,
Secretary Ben Carson, Philadelphia Housing Authority,
et al.

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|-----------------------------------|
| Name | Cheri Honkala |
| Street Address | 1505 W. Allegheny Ave. |
| City and County | Philadelphia, Philadelphia County |
| State and Zip Code | PA 19132 |
| Telephone Number | 215-869-4753 |
| E-mail Address | cherihonkalappehrc@gmail.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

| | |
|----------------------------------|------------------------------------------------|
| Name | U.S. Department of Housing & Urban Development |
| Job or Title <i>(if known)</i> | |
| Street Address | 451 7th Street S.W. |
| City and County | Washington, DC |
| State and Zip Code | Washington, DC 20410 |
| Telephone Number | (202) 708-1112 |
| E-mail Address <i>(if known)</i> | |

Defendant No. 2

| | |
|----------------------------------|-----------------------------------------------------------|
| Name | Secretary Ben Carson |
| Job or Title <i>(if known)</i> | Secretary, U.S. Department of Housing & Urban Development |
| Street Address | 451 7th Street S.W. |
| City and County | Washington, DC |
| State and Zip Code | Washington, DC 20410 |
| Telephone Number | (202) 708-1112 |
| E-mail Address <i>(if known)</i> | |

Defendant No. 3

| | |
|----------------------------------|-----------------------------------|
| Name | Philadelphia Housing Authority |
| Job or Title <i>(if known)</i> | |
| Street Address | 2013 Ridge Avenue |
| City and County | Philadelphia, Philadelphia County |
| State and Zip Code | PA 19121 |
| Telephone Number | (215) 684-4000 |
| E-mail Address <i>(if known)</i> | info@pha.phila.gov |

Defendant No. 4

| | |
|----------------------------------|--|
| Name | |
| Job or Title <i>(if known)</i> | |
| Street Address | |
| City and County | |
| State and Zip Code | |
| Telephone Number | |
| E-mail Address <i>(if known)</i> | |

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

40 U.S.C. § 1315, 42 U.S.C. ch. 44, United States Constitution Amendment 1, The Universal Declaration of Human Rights Article 25.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

2736 N. Howard St., Philadelphia, PA 19139

B. What date and approximate time did the events giving rise to your claim(s) occur?

2/8/21

A family with grandmother and baby who have been residing in the abandoned property for 7 months at 2736 N. Howard St., Philadelphia, PA 19139 received a "Notice to Vacate" within 72 hours from Philadelphia Housing Authority on 2/8/21.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Plaintiffs 4 are a family with a grandmother and a baby who have been residing for 7 months in the abandoned property at 2736 N. Howard St., Philadelphia, PA 19139. They are not trespassing but have been residing in this abandoned property for 7 months. The property is owned and abandoned by Housing and Urban Development. The family received a "Notice to Vacate" within 72 hours from Philadelphia Housing Authority dated 2/8/2021, see attached. The family has nowhere else safe or affordable to go.

Plaintiffs 1, 2, 3 are leaders of organizations that work with people in abandoned "takeover properties" to keep people alive in government properties that are abandoned by the government.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

If an injunction is not given to prevent ejection without proper court paperwork, then plaintiffs #4 will become homeless, risk exposure to Covid-19, and threat of freezing to death.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Injunctive relief only.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/10/21

Signature of Plaintiff

Printed Name of Plaintiff

Cheri Honkala

Cheri Honkala

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address